

Committee Reports.

Committee Room,

Austin, Texas, Jan. 29, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 1, A bill to be entitled "An Act making an appropriation to pay the contingent expenses, and the mileage and per diem of members and salaries and per diem of officers and employees of the Second Called Session of the Forty-third Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Acting Chairman.

SECOND DAY.

Senate Chamber,

Austin, Texas,

January 30, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Hopkins.	Redditt.
Hornsby.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodward.

Absent—Excused.

Beck.	Martin.
Duggan.	Rawlings.
Fellbaum.	Small.
Greer.	Woodul.
Holbrook.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodruff.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Sanderford:

The Chair laid before the Senate S. B. No. 3, same having been set for special order on yesterday:

S. B. No. 3, A bill to be entitled "An Act relating to the granting of relief in certain cases during the emergency declared to exist, from inequitable sales under deeds of trust and inequitable foreclosures of vendor's lien and execution sales of real estate and providing for the postponement of certain sales, and providing for the temporary creation of a period of redemption of real estate following the forced sale thereof, and providing for the jurisdiction and procedure of such relief and for the right to possession during such redemption period, and limiting the right to maintain actions for deficiency judgments; and providing further for amending House Bill Number 231, Chapter 102, page 225, General Laws passed at the Regular Session of the Forty-third Legislature, State of Texas; and providing means and methods whereby suits and causes of actions involving judgments for the recovery of real property or the foreclosure of liens against real property, and which are pending on the effective date hereof or which may be filed prior to January 1, 1936, or as otherwise provided herein may be postponed or continued and orders of sales and executions may be stayed by complying with the conditions as provided in this Act, authorizing temporary injunctions to stay sales under execution, orders of sales or deeds of trust; providing for extensions under certain conditions; permitting appeals without requiring supersedeas bonds and setting forth the conditions to be complied with and the duties of the judge and of the court in respect thereto, limiting the time this Act shall be effective and suspending laws in conflict herewith, but not repealing any laws; fixing a State policy, containing a saving clause; extending the time within which relief may be granted under the terms of said House Bill No. 231, and fix-

ing venue for suits, the object of which suits are to foreclose liens upon real estate, and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

By Senators Stone Hornsby and Russek:

S. B. No. 4, A bill to be entitled "An Act releasing all interest and penalties on registration fees on motor vehicles for which a license fee is due on or before January 31, 1934, and extending the time of payment of same until April 1, 1934, and declaring an emergency."

Read first time and referred to the Committee on State Highways and Motor Traffic.

Oath of Office.

The newly-elected Officers of the Senate arose and were administered the oath of office by the Chair.

Message from the Governor.

The Chair recognized the Door-keeper who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, Jan. 29, 1934.

To the Forty-third Legislature in Second Called Session:

By proclamation filed in the Secretary of State's office on the 25th day of January, A. D. 1934, I have convened you in the Second Called Session to pass such law or laws as may be necessary to issue and sell the remaining bonds proposed and permitted under the constitutional amendment of the State adopted by the voters of Texas at an election duly held on the 26th day of August, 1933 for the purpose of affording relief to the unemployed and indigent persons of the State.

And in addition to the foregoing to pass such law or laws as will grant relief in certain cases during the present emergency and depression from inequitable foreclosures of mortgages on real estate and fully set out in said proclamation.

In connection with the issuance of said bonds I desire to make some suggestions which I think will be helpful. The first issue of said bonds provided that same might be issued in multiples of one hundred dollars and the Bond Commission issued same in one thousand dollar

denominations. From my information it appears that if the bonds were issued in denominations of fifty dollars, one hundred dollars and any multiple of one hundred dollars same might be purchased by popular subscription more readily than if just issued in one thousand dollar denominations.

The former statute passed by the Legislature provided that said bonds could not be invested in the Permanent Fund of the University, Public Free School Fund, Highway Fund, School Funds and County Funds. The result of this was to cause confusion and almost suspicion as to the solvency of these bonds. It was often asserted during the sale of these bonds that if the State would not invest its own funds in these bonds then it was inconsistent to ask the public to invest in the same. In my opinion this provision should be eliminated from the law and it would greatly facilitate the sale of said bonds to provide that the governing authorities of each department may, if they so desire, invest in said bonds. As all of these institutions are supported by the State Government and it is expected that the State will continue to support said institutions liberally in the future, I see no reason why in this hour of threatened distress, hunger and unemployment that at least some of the idle funds of said departments should not be invested in these relief bonds. At least the inhibition in the law should be removed and the heads of said departments can invest in same if they so desire and if they do not then their failure to do so will not be an impediment to the sale of the bonds.

It is a Herculean task to sign these bonds, and I suggest that provision be made that same be signed with lithograph signature of the Governor, Attorney General and Secretary of State, and that the bonds be signed personally by the Treasurer or his chief clerk and that they be registered by the Comptroller or by the chief clerk of the Comptroller's Department.

The amount of the bonds to be issued will involve your serious attention. I am officially advised by the Secretary to Honorable Harry L. Hopkins, Administrator, that it is the intention of the Government to begin the demobilization of the Civil Works Program on the 15th

of February at the rate of 500,000 employees every two weeks, provided of course that Congress appropriates the money with which to do so. If this is done then we will have the greater part of 250,000 employees in Texas who will be compelled to seek aid from our relief funds. These employees alone will represent at least one million people, and it is evident that we would have a disastrous situation. On the other hand if the Civil Works Program should end on February 15 by failure of Congress to make the appropriations for its continuance, then the intensity of our situation would be further increased. It would amount to a tragedy. But if we look at the case in the most favorable light and say that the present Civil Works activities are continued uninterrupted it will still call for the expenditure of substantial millions for relief work.

I have asked the office of the Director of the Texas Relief Commission for estimates covering these possible conditions, and I am advised additional funds to the five million five hundred thousand dollars already provided for will be needed as follows:

1. If the present Civil Works Program continues uninterrupted, \$11,440,000.

2. If the Civil Works Program is curtailed on a gradually reduced scale from February 15, 1934 onward, \$17,840,000.

3. If the Civil Works Program ends on February 15, 1934, \$19,640,000.

If the present plan of matching with the National Government is continued then the State's part of the above needs will be one-half of said sums. It would appear that the second condition mentioned above calling for a gradually reduced scale from February 15 will be the condition most likely to obtain, and out of an abundant caution an issuance under premise No. 2 of \$8,920,000 should be the minimum amount the Legislature should issue, and it will only take an issuance of \$1,000,000 more to provide against the contingency of the Civil Works Program ending on February 15. To avoid the further expense of another session of the Legislature it is my opinion that the Legislature should issue at least \$10,000,000 of the remaining bonds. This, however, is a

matter for your determination. I suggest that you call upon the Director of the Relief Commission to furnish you with data covering the matters herein referred to.

The next question submitted in the proclamation is what is known as the moratorium equity of redemption law. Next to the feeding of the hungry and destitute population is the question of foreclosures on the homes and real estate of the people in this hour of depression. I am informed that there are three hundred farms now advertised for foreclosure in one north Texas county. I am also informed that there are fifteen hundred foreclosures now advertised in Dallas County. From all over this State I am receiving information calling attention to the plight of the people whose homes and real estate are now threatened to be taken away from them because of the depression and the decreased prices of farm products.

Nobody should be allowed by law to take advantage of an unfortunate home owner in this time of depression. Present conditions will probably improve some, but nobody knows when. There has been such decrease in real estate values that we will deceive ourselves if we expect normal values to return under two years. Certainly they will never return if money lenders are now permitted to extort the collection of their loans at this time and forever wipe out the interest or equity of the present owners in their lands. Certainly everything should be done to prevent this inhuman condition to take place now.

I attach herewith a copy of the law which in my opinion will bring great relief and protection to the owners of real estate. This law is largely copied from the Minnesota law on the subject and recently upheld as to its constitutionality by the Supreme Court of the United States. I am submitting this law for your consideration in the hope that you will pass the same promptly so that any foreclosure sale of real estate will be prevented and protected against if held on the sale day of first Tuesday on February 6, 1934. But the Legislature will have to act promptly. I trust that good time will not be lost in a discussion of different kinds of laws that might be passed and that the Legislature will pass the law as it has

now been approved by the Supreme Court of the United States and which we can rely upon to be upheld by the courts of our State and again affirmed by the Supreme Court of the United States. If this law is not passed promptly there will be thousands of homes and real estate that will go under the hammer on February 6. I beseech you gentlemen in behalf of the people of Texas to extend this relief now.

As an emergency measure I am also attaching herewith a bill being "An Act releasing all interest and penalties on registration fees on motor vehicles for which a license fee is due on or before January 31, 1934, and extending the time of payment of same until April 1, 1934."

If the three matters which I have submitted are acted upon promptly and with dispatch, it may be that we will have opportunity to consider other matters.

Respectfully,

MIRAM A. FERGUSON,
Governor of Texas.

The message was read.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Jan. 30, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 1, A bill to be entitled "An Act making an appropriation of one hundred fifty thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses and to pay the mileage and per diem of officers and employees of the Second Called Session of the Forty-third Legislature; and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

At Ease.

By unanimous consent, the Senate, at 10:22 o'clock a. m., stood at ease until 11 o'clock a. m., today.

In Session.

The Senate was called to order at 11 o'clock by Lieutenant Governor Edgar E. Witt.

S. C. R. No. 3.

Senator Murphy sent up the following resolution:

S. C. R. No. 3, Authorizing Max Hirsh, his heirs and personal representatives, to sue the Highway Commission of the State of Texas and the State of Texas, under the trade name of Caledonia Steel Company, for an account for steel claimed to have been sold to the State of Texas.

Be it Resolved by the Senate of the State of Texas, the Forty-third Legislature, Second Called Session, the House concurring, That Max Hirsh, his heirs and personal representatives, are hereby authorized and permitted to sue the Highway Commission of the State of Texas, and the State of Texas under the trade name of Caledonia Steel Company to recover the sum of money claimed to be due the said company by virtue of certain steel claimed to have been sold the State of Texas on or about August 13, 1926 and on or about June 18, 1926, said claims on said dates totaling \$8,737.66. The State of Texas hereby waives its immunity from any and all suits based upon any liability of the State of Texas growing out of the matter of said two claims. Suit may be filed in any court in Travis County, Texas, having jurisdiction, and service of citation shall be had by serving the chairman of the Highway Commission of the State of Texas within the time and in the manner provided by law, and the Attorney General of the State of Texas is hereby authorized and directed to answer in said cause for and in behalf of the said Highway Commission and the State of Texas. If and when the plaintiffs in said suit shall have recovered a final judgment in said cause the Highway Commission of the State of Texas is hereby authorized and directed to pay said final judgment which may have been secured, together with all the court costs out of the funds of the Highway Department, and it shall be the duty of said Highway Commission to pay such final judgment and costs if and when it is secured.

MURPHY.

Read and referred to the Committee on State Highways and Motor Traffic.

S. C. R. No. 4.

Senator Neal sent up the following resolution:

Whereas, today is the fifty-second birthday of Honorable Franklin D. Roosevelt, President of the United States, and his birthday is being celebrated throughout the length and breadth of the land with charity balls, the purpose of which is to raise funds for the Warm Springs Foundation for Crippled Children with infantile paralysis, of which Foundation President Roosevelt is the Chairman; and

Whereas, the people of the Nation are responding with unprecedented alacrity to this celebration, and their sympathies are being aroused and rekindled to an astonishing degree, not only in behalf of the crippled children who will be affected by the Warm Springs Foundation, but the crippled and unfortunate children in every state of the Union where there are organizations and agencies, either state-wide or local, set up for the care, treatment and hospitalization of the unfortunate child; and

Whereas, the people of the State of Texas and of the Nation at large are to be congratulated and commended for the readiness and willingness with which they respond to all features and phases of the President's program generally,

THEREFORE BE IT RESOLVED, By the Senate of Texas, the House of Representatives concurring, That heartiest birthday greetings be extended to the President of the United States on his fifty-second birthday, and that the sincere hope be expressed that the cause of the crippled child, so dear to his heart, be so impressed upon the consciousness of every man, woman and child in America today as that the Warm Springs Foundation may be more generously endowed so that no child crippled from infantile paralysis, living or yet unborn, shall ever want for attention.

BE IT FURTHER RESOLVED, That the Legislature of the State of Texas extend its happy and un-

qualified support to the President of the United States in his further undertakings, and that it congratulates the Nation on the wise leadership which he has displayed in helping to bring about a realization of The New Deal.

NEAL,	PACE,
BECK,	PARR,
BLACKERT,	PATTON,
COLLIE,	POAGE,
COUSINS,	PURL,
DeBERRY,	RAWLINGS,
DUGGAN,	REDDITT,
FELLBAUM,	REGAN,
GREER,	RUSSEK,
HOLBROOK,	SANDERFORD,
HOPKINS,	SMALL,
HORNSBY,	STONE,
MARTIN,	WOODRUFF,
MOORE,	WOODUL,
MURPHY,	WOODWARD.
ONEAL,	

The resolution was read.

By unanimous consent the rule requiring resolutions to be referred before consideration was suspended. The resolution was adopted.

Adjournment.

On motion of Senator Stone, the Senate, at 11:20 o'clock a. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

(Telegram.)

Washington, D. C. Jan. 29.

Bob. Barker, Secretary of the Senate.

Care Senate Chamber, Austin, Texas.

Action of the Senate electing me President Pro Tem indeed a pleasant surprise. Please extend to the members of greatest legislative body in the world my sincerest thanks stop Hope to be with you Monday stop Thanks for wiring me.

FRANK H. RAWLINGS.

SENATE CONCURRENT RESOLUTION NO. 2.

Senator Pace sent up the following resolution:

WHEREAS, The people of the United States out of the great respect which they have for the great character and leadership of the Honorable Franklin D. Roosevelt, are celebrating his birthday; and

WHEREAS, this celebration is occasioned by and for the benefit of the service which has been done and may be done in the future for the benefit of the crippled children of the United States of America, as well as to attest our loyalty to and spirit of cooperation with our Honored President in his desire to foster the things which will be beneficial for the crippled children as well as for those things which will be beneficial to and for the best interest of all of the people of the United States;

THEREFORE, BE IT RESOLVED, By the Senate of Texas, the House of Representatives concurring, That when we adjourn today that we do so in honor of our great President, the Honorable Franklin D. Roosevelt, and that a copy of this resolution be delivered to him properly attested by our officers, and that a page be set aside in our Journal today for this resolution.

PACE,	HOPKINS,	REDDITT,
HORNSBY,	MARTIN,	REGAN,
BECK,	MOORE,	RUSSEK,
BLACKERT,	MURPHY,	SANDERFORD,
COLLIE,	NEAL,	SMALL,
COUSINS,	ONEAL,	STONE,
DeBERRY,	PARR,	WOODRUFF,
DUGGAN,	PATTON,	WOODUL,
FELLBAUM,	POAGE,	WOODWARD.
GREER,	PURL,	
HOLBROOK,	RAWLINGS,	

The resolution was read.

By unanimous consent the rule requiring resolutions to be referred before consideration was suspended.

The resolution was adopted.

In Memory
of
Mr. Walter A. Dealey

SENATE RESOLUTION NO. 4.

Senator Purl sent up the following resolution:

•WHEREAS, We have just learned, with much regret of the death of Walter A. Dealey, Vice President of the A. H. Belo Corporation, publishers of the Dallas News and the Dallas Journal; and

WHEREAS, Mr. Dealey was a native Texan and a graduate of the University of Texas; and

WHEREAS, Mr. Dealey spent his life by the side of his illustrious father, George B. Dealey, helping to shape the policies and the management of the great Belo publications.

THEREFORE, BE IT RESOLVED, By the Senate of Texas, That an enrolled copy of this resolution be sent to the members of Mr. Dealey's family expressing our sorrow and regret at his passing; and that the Senate, when it adjourns today, do so in his memory and that a page be set aside in the Senate Journal for this resolution.

PURL,
BECK,
BLACKERT,
COLLIE,
COUSINS,
DeBERRY,
DUGGAN,
FELLBAUM,
GREER,
HOLBROOK,
HOPKINS,

HORNSBY,
MARTIN,
MOORE,
MURPHY,
NEAL,
ONEAL,
PACE,
PARR,
PATTON,
POAGE,
RAWLINGS,

REDDITT,
REGAN,
RUSSEK,
SANDERFORD,
SMALL,
STONE,
WOODRUFF,
WOODUL,
WOODWARD.

Read and adopted unanimously by rising vote.